

Robert P. Dickerson, Esq.
NV SBN 945
THE DICKERSON KARACSONYI LAW GROUP
1745 Village Center Circle
Las Vegas, Nevada 89134
Telephone: (702) 388-8600
bob@thedklawgroup.com

Kevin K. Fitzgerald
CA SBN 100682
JONES, BELL, ABBOTT, FLEMING & FITZGERALD L.L.P.
601 South Figueroa Street, Suite 3460
Los Angeles, California 90017-5759
Telephone: (213) 485-1555
kkfitzgerald@jonesbell.com

Attorneys for Plaintiff Wells Fargo Clearing Services, LLC,
dba Wells Fargo Advisors

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WELLS FARGO CLEARING SERVICES, LLC,
dba WELLS FARGO ADVISORS,

Plaintiff,

v.

JAMES F. FOSTER,

Defendant.

CASE NO.: 3:18-cv-00032

**[PROPOSED] TEMPORARY
RESTRAINING ORDER**

Having read and considered the emergency motion of Plaintiff Wells Fargo Clearing Services, LLC, dba Wells Fargo Advisors, and having read and considered all of the papers filed by the Parties in connection with that application, the Court makes the following findings:

1. Plaintiff has demonstrated a threat of immediate and irreparable harm if Defendant James F. Foster is not enjoined from soliciting Plaintiff's customers;
2. A threat of lost customers constitutes irreparable harm as monetary damages are an

1 inadequate remedy; and

- 2 3. Defendant has been using Plaintiff's confidential information and trade secrets for
3 purposes of soliciting Plaintiff's customers.

4
5 **IT IS ORDERED THAT:**

- 6 1. As of the date and hour of the issuance of this order of ____ a.m./p.m. on January
7 ____, 2018, Defendant James F. Foster is enjoined from using, disclosing, destroying,
8 altering, copying, or disseminating, directly or indirectly, any and all of Plaintiff's
9 trade secrets, confidential information, or any non-public information or documents
10 that Defendant had access to while employed by Plaintiff;
- 11 2. Defendant is prohibited from directly or indirectly contacting or soliciting any of
12 Plaintiff's customers with whom Defendant contacted during the last year that he was
13 employed by Plaintiff;
- 14 3. Defendant is prohibited from refusing to return to Plaintiff, on or before the close of
15 business on January ____, 2018, any and all confidential information or documents
16 concerning Plaintiff's customers, and which was taken, copied, electronically
17 transmitted, or otherwise removed from Plaintiff's possession while Defendant was
18 employed by Plaintiff, or which was derived from the confidential customer files or
19 electronic data files of Plaintiff; and
- 20 4. Defendant is prohibited from destroying, deleting, or discarding information or
21 evidence related to any actions taken by Defendant before the entry of this Order to
22 solicit or contact any customer of Plaintiff.
- 23
24
25
26
27
28

1 5. A hearing for a preliminary injunction is set for _____, 2018.
2

3 **IT IS SO ORDERED.**
4

5 _____
6 THE HONORABLE MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
8 DISTRICT OF NEVADA

9 Dated: _____
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28